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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,747	08/24/2001	Sayling Wen	3626-0216P	9916
2292	7590	12/15/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			RIVERO, MINERVA	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 12/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,747

Applicant(s)

WEN ET AL.

Examiner

Minerva Rivero

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 11 and 21 are objected to because of the following informalities: in the last clause of the aforementioned claims, "learning module compares the learner's input with the independent", the examiner assumes this a typographical error and considers the applicant's intention to be "learning module compares the learner's input with the independent sentence". The examiner has assumed this error corrected for treatment on the merits of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry *et al.* (US Patent 6,077,085) in view of Brassell *et al.* (US Patent 6,553,372).

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4. Regarding claims 1, 11 and 21, Parry *et al.* disclose a system, method and storage medium for learning a foreign language comprising

a sentence dividing module for dividing the independent sentence into a plurality of elements (*analyzing a sentence and tagging its grammatical, syntactic and vocabulary components*, Col. 3, Lines 21-30) and

the sentence-making language-learning module changes the order of the divided elements to obtain a shuffled sentence and output the shuffled sentence to the learner, and after receiving an input from the learner the sentence-making language learning module compares the learner's input with the independent sentences and outputs the comparison result to the learner (*Order Parts Activity and scrambled words of a sentence*, Col. 23, Lines 18-31; Fig. 14).

However, Parry *et al.* do not disclose but Brassell *et al.* do disclose

a document receiving module for receiving a language document transmitted from a learner (Col. 5, Lines 33-35) and

a document partitioning module for partitioning the language document into at least one independent sentence (Col. 5, Lines 33-35).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Parry *et al.* with a document receiving module for receiving a language document transmitted from a learner and a document partitioning module for partitioning the language document into at least one

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independent sentence, as suggested by Brassell *et al.* in order to allow the user to choose content for the learning experience that is attune with their foreign language expertise level and content that is suitable for their projected use of the foreign language.

5. Regarding claims 2, 12 and 22, Parry *et al.* disclose adding at least one tag to at least one of the elements according to their attributes (*analyzing a sentence and tagging its grammatical, syntactic and vocabulary components*, Col. 3, Lines 21-30).

6. Regarding claims 3, 13 and 23, Parry *et al.* further disclose storing the divided elements and the tag to a learner's database (Col. 3, Lines 21-25).

7. Regarding claims 4, 14 and 24, Parry *et al.* disclose the sentence-making language learning module further performs substitutions on the divided elements according to the tags (*Grammar-Sentence Table* and *Grammar Principles Table*, Col. 6, Line 59 – Col. 7, Line 8 (see Fig. 2); *content expert drives the grammar tagging program to generate a sentence that satisfies a particular grammar principle*, Col. 7, Lines 32-42 (see Figs. 3 and 4) and Col. 8, Lines 25-26).

8. Regarding claims 5, 15 and 25, Parry *et al.* disclose

the sentence-making language module further performs mixings on the divided elements according to the tags (*Grammar-Sentence Table* and *Grammar Principles Table*, Col. 6, Line 59 – Col. 7, Line 8 (see Fig. 2); *content expert drives the grammar tagging program to generate a sentence that satisfies a particular grammar principle*, Col. 7, Lines 32-42 (see Figs. 3 and 4) and Col. 8, Lines 25-26).

9. Regarding claims 6, 16 and 26, Parry *et al.* further disclose
when adding the tag to the elements, a sentence component database storing a plurality of sentence components is referenced (Col. 7, Lines 32-34).

10. Regarding claims 7, 17 and 27, Parry *et al.* disclose
the sentence components stored in the sentence component database include phrases and the tag is a phrase tag (*Phrases*, Fig. 2; *tagging the database elements*, Col. 7, Lines 20-22).

11. Regarding claims 8, 18 and 28, Parry *et al.* further disclose
the sentence components stored in the sentence component database include words with at least one form derivative and the tag is a form tag (*Concept Tagging System*, Col. 7, Lines 20-31; *Special Criteria Features*, Col. 9, Lines 12-17; *Parent Search Text*, Col. 9, Lines 36-44).

12. Regarding claims 9, 19 and 20, Parry *et al.* disclose

the sentence components stored in the sentence component database include words with at least one category derivative and the tag is a category tag (prepositions, Col. 7, Lines 20-31). [Examiner has interpreted *category* as defined in applicant's specification (Page 6, Lines 16-17).]

13. Regarding claims 10, 20 and 30, Parry *et al.* further disclose

the sentence components stored in the sentence component database include words with at least one interfering unit and the tag is an interference tag (*difficulty*, Col. 6, Lines 47-58). [Examiner has interpreted *interference* as defined in applicant's specification (Page 6, Lines 18-19).]

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anward *et al.* (US Patent 6,658,377) disclose a method and system for analyzing and tagging parts-of-speech in a portion of text and storing the elements in a database that includes correlation information.

Bennett *et al.* (US Patent 6,675,169) disclose a method and system for applying various tags to words according to their properties.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (703) 605-4377. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 305-9508. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 12/06/2004



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER